

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

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AUTHORITY: 46 U.S.C. 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; Section 70.01-15 also issued under the authority of 44 U.S.C. 3507.

SOURCE: CGFR 65-50, 30 FR 16890, Dec. 30, 1965, unless otherwise noted.

EDITORIAL NOTE: At 62 FR 51203, Sept. 30, 1997, §§ 70.01-5, 70.05-15, 70.05-25 and subpart 70.30, consisting of §§ 70.30-1 through 70.30-5, were removed and part 70 was amended, effective Oct. 30, 1997. The superseded text consisting of the removals and amended sections remaining in effect until Oct. 30, 1997, appears in the October 1, 1996, revision of title 46 parts 70-89.

Subpart 70.01—Authority and Purpose

§ 70.01-1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for passenger vessels. The regulations are necessary to carry out the provisions of law affecting passenger vessels and such regulations have the force of law.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGD 95-028, 62 FR 51203, Sept. 30, 1997]

EFFECTIVE DATE NOTE: At 62 FR 51203, Sept. 30, 1997, in § 70.01-1, paragraph (a) was amended, effective Oct. 30, 1997.

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§ 70.01–7 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[54 FR 50380, Dec. 6, 1989]

§ 70.01–15 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record-keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part or section where identified or described	Current OMB control No.
§ 71.10	2115–0136
§ 71.50–5	2115–0554
§ 78.17–22	2115–0589
§ 78.17–33	2115–0589

[49 FR 38120, Sept. 27, 1984, as amended by CGD 88–072, 53 FR 34297, Sept. 6, 1988; CGD 89–037, 57 FR 41822, Sept. 11, 1992]

Subpart 70.05—Application

§ 70.05–1 United States flag vessels subject to the requirements of this subchapter.

(a) This subchapter shall be applicable to all United States flag vessels indicated in column 4 of table 70.05–1(a) that are 100 gross tons or more, except as follows:

- (1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States; or,
- (2) Any vessel while laid up and dismantled and out of commission; or,
- (3) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

TABLE 70.05–1(A)

Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹							
Method of propulsion	Size or other limitations ¹	Vessels inspected and certificated under subchapter D—Tank Vessels ²	Vessels inspected and certificated under either Subchapter H—Passenger Vessels ^{2,3,4,5} or Subchapter T—Small Passenger Vessels ^{2,3,4}	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels ^{2,5}	Vessels subject to provisions of Subchapter C—Uninspected Vessels ^{2,3,6,7,8}	Vessels subject to provisions of Subchapter O—Oceanographic Vessels ^{2,5,6,7,9}	Vessels subject to the provisions of Subchapter O—Certain Bulk Dangerous Cargoes ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers ⁷ .	All tugboats and towboats.	All vessels except those covered by columns 3, 4, 5, and 7.	None	All vessels carrying in bulk the cargoes listed in table I of pt. 153 and table 4 of pt. 154.
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk ⁵ .	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers ⁷ . 3. All other vessels carrying passengers ⁷ except: a. Yachts.. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4.	None	All vessels engaged in oceanographic research.	Do.

TABLE 70.05–1(A)—Continued

Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹						
Method of propulsion	Size or other limitations ¹	Vessels inspected and certificated under subchapter D—Tank Vessels ²	Vessels inspected and certificated under Subchapter H—Passenger Vessels ^{2,3,4,5} or Subchapter T—Small Passenger Vessels ^{2,3,4}	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels ^{2,5}	Vessels subject to provisions of Subchapter C—Uninspected Vessels ^{2,3,6,7,8}	Vessels subject to provisions of Subchapter O—Oceanographic Vessels ^{2,5,6,7,9}
		Vessels subject to the provisions of Subchapter O—Certain Bulk Dangerous Cargoes ¹⁰				
c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.						
Motor	Vessels not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers ⁷ .	Those vessels carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171–179.	All vessels except those covered by columns 3, 4, 5, and 7.	None
						Do.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk ⁵ .	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers ⁷ .	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, 5, and 7.	None
						Do.

3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.

Sail	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk ⁵ .	1. All vessels carrying more than 12 passengers on an international voyage, except yachts.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, 5, and 7.	All vessels engaged in oceanographic research.	Do.
			2. All other vessels carrying passengers, except: <ul style="list-style-type: none"> a. Yachts.. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. 				
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers ⁷ .	Those vessels carrying dangerous cargo when required by 46 CFR part 98 or 49 CFR parts 171-179.	None	None	Do.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargo when required by 46 CFR part 98 or 49 CFR parts 171-179.	None	None	Do.

TABLE 70.05–1(A)—Continued

Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹						
Method of propulsion	Size or other limitations ¹	Vessels inspected and certificated under subchapter D—Tank Vessels ²	Vessels inspected and certificated under either Subchapter H—Passenger Vessels ^{2,3,4,5} or Subchapter T—Small Passenger Vessels ^{2,3,4}	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels ^{2,5}	Vessels subject to provisions of Subchapter C—Uninspected Vessels ^{2,3,6,7,8}	Vessels subject to provisions of Subchapter O—Oceanographic Vessels ^{2,5,6,7,9}
Non-self-propelled.	Vessels less than 100 gross tons.	All vessels carrying combustible or liquid cargo in bulk.	All vessels carrying more than 6 passengers ⁷ .	Those vessels carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171–179.	All barges carrying passengers except those covered by column 4.	None
	Vessels 100 gross tons or over.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171–179.	All barges carrying passengers except those covered by columns 4 and 7.	All seagoing barges engaged in oceanographic research.
						Do.

¹ Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

² Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171–179 apply whenever hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

³ Public nautical schoolships, other than vessels of the Navy and Coast Guard, shall meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

⁴ Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

⁵ Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

⁶ Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974.

⁷ The meaning of the term *passenger* is as defined in the Act of May 10, 1956 (Sec. 1, 70 Stat. 151; 46 U.S.C. 390). On oceanographic vessels scientific personnel on board shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., shall be counted as persons.

⁸ Boilers and machinery are subject to examination on vessels over 40 feet in length.

⁹ Under 46 U.S.C. 441 an "oceanographic research vessel" is a vessel " * * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * * ." Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce." If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certificated for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

¹⁰ Bulk dangerous cargoes are cargoes specified in table 151.01–10(b), in table I of part 153, and in table 4 of part 154 of this chapter.

¹¹ For manned tank barges see § 151.01–10(e) of this chapter.

(b) The requirements for notification of safety standards and for safety information and country of registry in promotional literature or advertising of a domestic passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers are contained in part 80 of this chapter.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGFR 67-83, 33 FR 1107, Jan. 27, 1968; CGFR 70-10, 35 FR 3710, Feb. 25, 1970; CGD 72-187R, 38 FR 9081, Apr. 10, 1973; CGP 73-96, 42 FR 49024, Sept. 26, 1977; CGD 86-033, 53 FR 36024, Sept. 16, 1988; 53 FR 46871, Nov. 21, 1988; CGD 90-008, 55 FR 30660, July 26, 1990]

§ 70.05-3 Foreign vessels subject to the requirements of this subchapter.

(a) Except as specifically noted in paragraphs (b) and (e), and (f) of this section, parts 70 to 78, inclusive, of this subchapter, shall be applicable to the extent prescribed by law to all foreign vessels of the following classifications indicated in column 4 of table 70.05-1(a) that are 100 gross tons or over:

(1) Foreign vessels which carry more than 12 passengers from any port in the United States; or,

(2) Foreign vessels, other than those mentioned in paragraph (a)(1) of this section, which carry more than 6 passengers from any port in the United States, and which are:

(i) Sailing vessels of 100 gross tons or over and not more than 700 gross tons; or,

(ii) Non-self-propelled vessels of 100 gross tons.

(b) The provisions of parts 70 to 78, inclusive, of this subchapter shall not be applicable to those foreign vessels covered by paragraph (a) of this section which are:

(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1974, and which has on board a current valid safety certificate; or,

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current valid certificate of inspection issued by its government under such arrangements.

(c) Notwithstanding the exceptions previously noted in paragraph (b) of this section, foreign vessels of novel design or construction, or whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States' ports, as further provided by § 2.01-13 of subchapter A (Procedures Applicable to the Public) of this chapter.

(d) The requirements for notification of safety standards and for safety information and country of registry in promotional literature or advertising of a foreign passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers are contained in part 80 of this chapter.

(e) Notwithstanding the other provisions of this section, foreign passenger vessels of over 100 gross tons having berth or stateroom accommodations for more than 50 persons and departing a United States port with passengers who are United States nationals and who embarked at that port shall comply with the provisions of the International Convention for Safety of Life at Sea, 1974.

(f) Notwithstanding the exceptions noted in paragraph (b) of this section, each foreign vessel must report marine casualties occurring while the vessel is in the navigable waters of the United States as required by subpart 78.07.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGFR 66-33, 31 FR 15280, Dec. 6, 1966; CGFR 68-65, 33 FR 19985, Dec. 28, 1968; CGFR 69-106a, 35 FR 16834, Oct. 31, 1970; CGD 72-187R, 38 FR 9081, Apr. 10, 1973; CGD 77-042, 42 FR 63643, Dec. 19, 1977; CGD 90-008, 55 FR 30660, July 26, 1990]

§ 70.05-5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in

this subchapter, the term *vessels contracted for* includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

(b) [Reserved]

§ 70.05-7 Ocean or unlimited coastwise vessels on inland and Great Lakes Routes.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland route, including the Great Lakes.

(b) [Reserved]

§ 70.05-10 Application to vessels on an international voyage.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, the regulations in this subchapter that apply to a vessel on an "international voyage" apply to a vessel that—

(1) Is mechanically propelled and carries more than 12 passengers; and

(2) Is engaged on a voyage—

(i) From a country to which the International Convention for Safety of Life at Sea, 1974, (SOLAS 74) applies, to a port outside that country or the reverse;

(ii) From any territory, including the Commonwealth of Puerto Rico, all possessions of the United States and all lands held by the United States under a protectorate or mandate, whose international relations are the responsibility of a contracting SOLAS 74 government, or which is administered by the United Nations, to a port outside that territory or the reverse; or

(iii) Between the contiguous states of the United States and the states of Hawaii or Alaska or between the states of Hawaii and Alaska.

(b) The regulations that apply to a vessel on an "international voyage" in this subchapter do not apply to ships engaged on a voyage solely on the Great Lakes and the St. Lawrence

River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd Meridian;

(c) The Commandant or his authorized representative may exempt any vessel on an international voyage from the requirements of this subchapter if the vessel—

(1) Makes a single international voyage in exceptional circumstances; and

(2) Meets safety requirements prescribed for the voyage by the Commandant.

(d) The Commandant or his authorized representative may exempt any vessel from the construction requirements of this subchapter if the vessel does not proceed more than 20 nautical miles from the nearest land in the course of its voyage.

[CGD 72-131R, 38 FR 29320, Oct. 24, 1973, as amended by CGD 90-008, 55 FR 30661, July 26, 1990; CGD 84-069, 61 FR 25287, May 20, 1996]

§ 70.05-20 Gross tonnage as a criterion for requirements.

(a) The regulations in this subchapter, as well as referenced requirements in other subchapters in this chapter, take into account the passenger vessel's size, construction, and equipment, as well as its intended service on the routes or waters on which it is desired to be operated or navigated, which are indications of the hazards to which such vessel may be subjected. The Commandant's determinations in this respect for a particular passenger vessel are stipulated in a certificate of inspection, which states certain terms and conditions governing such vessel when in operation.

(b) In applying the laws and regulations to passenger vessels, one criterion for invocation of safety standards is the description of passenger vessels by relative size in gross tons. When it is determined by the Commandant that the gross register tonnage for a particular passenger vessel, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific safety requirements in the passenger vessel regulations for a vessel of such physical size, the Commandant

shall prescribe the regulations to be made applicable to such vessel.

(c) When the Commandant determines that the gross register tonnage is not a valid criterion for the invocation of safety requirements based on relative size, the parties involved will be informed of the determination and of the regulations applicable to such passenger vessel, and before being permitted to operate such vessel, compliance therewith shall be required. Endorsements or notations on the passenger vessel's certificate of inspection may be made as appropriate.

§ 70.05-30 Combustible and flammable liquid cargo in bulk.

NOTE: Requirements for double hull construction for vessels carrying oil, as defined in 33 CFR 157.03, in bulk as cargo are found in 33 CFR 157.10d.

Vessels inspected and certificated under this subchapter may carry limited quantities of combustible liquid cargo in bulk in the grades indicated, provided the certificate of inspection is endorsed to permit such carriage:

- (a) Grade E in an integral tank; and
- (b) Grade E in a portable tank, including a marine portable tank, in accordance with subpart 98.30 or 98.33 of this chapter.

[CGD 84-043, 55 FR 37410, Sept. 11, 1990, as amended by CGD 90-051, 57 FR 36246, Aug. 12, 1992]

Subpart 70.10—Definition of Terms Used in This Subchapter

§ 70.10-1 Approved.

This term means approved by the Commandant unless otherwise stated.

§ 70.10-2 Barge.

This term means any nonself-propelled vessel.

§ 70.10-5 Carrying freight for hire.

The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

§ 70.10-7 Classed vessel.

This term means any vessel classed by the American Bureau of Shipping or other recognized classification society.

§ 70.10-9 Commandant.

This term means the Commandant of the Coast Guard.

§ 70.10-11 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGD 95-028, 62 FR 51203, Sept. 30, 1997]

EFFECTIVE DATE NOTE: At 62 FR 51203, Sept. 30, 1997, § 70.10-11 was amended, effective Oct. 30, 1997.

§ 70.10-13 Coastwise.

Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 70.10-15 Ferry.

Under this designation shall be included those vessels, in other than ocean or coastwise service, having provisions only for deck passengers and/or vehicles, operating on a short run on a frequent schedule between 2 points over the most direct water route, and offering a public service of a type normally attributed to a bridge or tunnel.

§ 70.10-17 Great Lakes.

Under this designation shall be included all vessels navigating the Great Lakes.

§ 70.10-19 Headquarters.

This term means the Office of the Commandant, United States Coast Guard, Washington, DC 20593.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGD 82-063b, 48 FR 4781, Feb. 3, 1983]

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§ 70.10-23 Lakes, bays, and sounds.

Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 70.10-25 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGD 95-028, 62 FR 51203, Sept. 30, 1997]

EFFECTIVE DATE NOTE: At 62 FR 51203, Sept. 30, 1997, § 70.10-25 was amended, effective Oct. 30, 1997.

§ 70.10-29 Motor vessel.

This term means any vessel more than 65 feet in length, which is propelled by machinery other than steam.

§ 70.10-31 Ocean.

Under this designation shall be included all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 70.10-33 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGD 95-028, 62 FR 51203, Sept. 30, 1997]

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EFFECTIVE DATE NOTE: At 62 FR 51203, Sept. 30, 1997, § 70.10-33 was amended, effective Oct. 30, 1997.

§ 70.10-34 Passenger.

(a) The term *passenger* means—

(1) On an international voyage, every person other than—

(i) The master and the members of the crew or other persons employed or engaged in any capacity on board a vessel on the business of that vessel; and

(ii) A child under 1 year of age.

(2) On other than an international voyage, an individual carried on the vessel, except—

(i) The owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(ii) The master; or

(iii) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for onboard services.

(b) The term *passenger for hire* means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

[CGD 84-069, 61 FR 25287, May 20, 1996; 61 FR 40281, Aug. 1, 1996]

§ 70.10-35 Passenger vessel.

The term *passenger vessel* means—

(a) On an international voyage, a vessel of at least 100 tons gross tonnage carrying more than 12 passengers; and

(b) On other than an international voyage, a vessel of at least 100 tons gross tonnage—

(1) Carrying more than 12 passengers, including at least one passenger for hire; or

(2) That is chartered and carrying more than 12 passengers.

[CGD 84-069, 61 FR 25287, May 20, 1996]

§ 70.10-36 Pilot Boarding Equipment and Point of Access.

(a) *Pilot Boarding Equipment* means a pilot ladder, accommodation ladder, pilot hoist, or combination of them as required by this subchapter.

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(b) *Point of Access* means the place on deck of a vessel where a person steps onto or off of pilot boarding equipment.

[CGD 79-032, 49 FR 25455, June 21, 1984]

§ 70.10-39 Rivers.

Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals exclusively, and to such other waters as may be so designated by the Coast Guard District Commanders.

§ 70.10-41 Recognized classification society.

The term *recognized classification society* means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 70.10-42 Sailing vessel.

This term means a vessel with no mechanical means of propulsion, all propulsive power being provided by sails.

§ 70.10-43 Short international voyage.

A short international voyage is an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination nor the return voyage may exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the vessel commences its return voyage to the country in which the voyage began.

[CGD 84-069, 61 FR 25287, May 20, 1996]

§ 70.10-44 Specially suitable for vehicles.

A space which is *specially suitable for vehicles* is one designed for the carriage of automobiles or other self-propelled vehicles with batteries connected and fuel tanks containing gasoline on vessels on ocean or unlimited coastwise voyages. Requirements for the design and protection of spaces specially suitable for vehicles appear in subparts 72.15, 76.15, 77.05, 78.45, 78.47, and 78.83 of this subchapter. In addition, prepara-

tion of automobiles prior to carriage, with the exception of disconnecting battery cables, must be in accordance with the applicable provisions of 49 CFR 176.905.

[CGFR 66-33, 31 FR 15281, Dec. 6, 1966 as amended by CGD 86-033, 53 FR 36024, Sept. 16, 1988]

§ 70.10-45 Vessel.

Where the word *vessel* is used in this subchapter, it shall be considered to include all vessels indicated in column 4 of table 70.05-1(a), which are of more than 65 feet in length measured from end to end over the deck excluding sheer, except as otherwise noted in this subpart.

Subpart 70.15—Equivalents

§ 70.15-1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other provision or arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement shall be at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

Subpart 70.20—General Marine Engineering Requirements

§ 70.20-1 Marine engineering details.

All marine engineering details such as piping, valves, fittings, boilers, pressure vessels, etc., and their appurtenances installed on the vessel, shall be designed, constructed, and installed in accordance with the provisions of subchapter F (Marine Engineering) of this chapter.

Subpart 70.25—General Electrical Engineering Requirements

§ 70.25-1 Electrical engineering details.

All electrical engineering details and installations shall be designed and installed in accordance with subchapter J (Electrical Engineering) of this chapter.

Subpart 70.28—Lifesaving Appliances and Arrangements

§ 70.28-1 Lifesaving appliances and arrangements.

All lifesaving appliances and arrangements on passenger vessels must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

[CGD 84-069, 61 FR 25287, May 20, 1996]

Subpart 70.35—American Bureau of Shipping's Standards

§ 70.35-1 Standards to be used.

(a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

(b) [Reserved]

§ 70.35-5 Where obtainable.

(a) The standards established by the American Bureau of Shipping are usually published annually and may be

purchased from the American Bureau of Shipping, Two World Trade Center, 106th Floor, New York, NY 10048. These standards may be also examined at the office of the Commandant (M), U.S. Coast Guard, Washington, DC 20593-0001, or at the office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

(b) [Reserved]

[CGFR 65-50, 30 FR 16890, Dec. 30, 1965, as amended by CGFR 68-32, 33 FR 5715, Apr. 12, 1968; CGD 88-070, 53 FR 34534, Sep. 7, 1988; CGD 88-070, 53 FR 37570, Sept. 27, 1988, 53 FR 44011, Nov. 1, 1988; CGD 95-072, 60 FR 50463, Sept. 29, 1995]

PART 71—INSPECTION AND CERTIFICATION

Subpart 71.01—Certificate of Inspection

Sec.

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71.15-1 Standards in inspection of hulls, boilers, and machinery.

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Subpart 71.20—Initial Inspection

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71.25-1 Prerequisite of reissuance of certificate of inspection.

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